

## **REMARKS**

### **I. Claims Status**

Claims 1-7 and 9-12 are pending and stand rejected. Reconsideration of the application is respectfully requested in view of the Remarks below.

### **II. Rejections under 35 U.S.C. § 103(a)**

The Examiner has maintained his rejection of claims 1-7 and 9-12 as obvious over Harada et al. (U.S. Published Application No. 2002/0090335) in view of Guo et al. (U.S. Patent No. 6,827,916) and Vita et al. (U.S. Patent No. 2,985,506); claim 2 as obvious over Harada in view of Guo et al., Vita et al., and Kawamoto et al. (U.S. Published Application No. 2003/0022784); and claim 5 in view of Harada et al. in view of Guo et al., Vita et al. and Kerchner et al. (U.S. Patent No. 6,129,903).

The Examiner contends that Harada teaches that the hydroxide ion is added to reaction (paragraphs 68 and 69) in excess (paragraph 69) and, from this teaching, “it would be obvious that the pH is maintained at 14 and that because an excess of hydroxides is present, for all intents and purposes, the amount of  $\text{OH}^-$  is constant.”



say, after the reaction, the  $\text{OH}^-$  concentration would be substantially lower, since a full equivalent would have been consumed during the reaction. The concentration of  $\text{OH}^-$  is steadily decreasing during the course of the reaction, from 1.5 equivalents to 0.5 equivalents. In contrast, claim 1 requires that the  $\text{OH}^-$  concentration be maintained constant during the reaction. Harada's reaction mixture, however, results in a substantial drop (1.5 equivalents as compared to 0.5 equivalents) in  $\text{OH}^-$  present during the course of the reaction. This difference cannot be viewed as insubstantial, nor can it be considered constant.

There is no suggestion or motivation contained in Harada to maintain the  $\text{OH}^-$  levels as a constant during the course of the reaction. Quite the contrary, with a substantial drop in  $\text{OH}^-$  levels during the course of the reaction as described in Harada, Applicants further assert that Harada teaches away from maintaining the  $\text{OH}^-$  levels as a constant during the course of the reaction.

Additionally, Applicants assert that the burden of showing that the  $\text{OH}^-$  concentration in Harada is "substantially maintained" falls upon the Examiner. The Examiner is unclear as to what "substantially maintained" means, in the context of Harada. Harada discloses a drop of 1.5 equivalents to 0.5 equivalents in the concentration of the  $\text{OH}^-$  present which, as previously stated, cannot be considered insubstantial or constant.

For the aforementioned reasons, the instant claim 1 is non-obvious in view of Harada alone or in combination with Guo (U.S. Patent No. 6,827,916) and/or Vita (U.S. Patent No. 2,985,506) and/or Kawamoto (U.S. Published Application No. 2003/0022784) and/or Kerchner (U.S. Patent No. 6,129,903), since none of the aforementioned references teaches, suggests or provides any motivation to maintain a constant  $\text{^-OH}$  level during the course of the reaction as required by claim 1.

Applicants further maintain and reiterate their previous arguments presented in the Response, filed March 28, 2007, to the Office Action dated November 29, 2006.

Applicants respectfully request reconsideration and withdrawal of all obviousness rejections.

**CONCLUSION**

In view of the foregoing amendments and remarks, applicant believes the pending application is in condition for allowance, and earnestly solicits same.

If fees in addition to those transmitted herewith should be required for the filing of this response, the Commissioner is hereby authorized and requested to charge any such fees to Darby and Darby Deposit Account No. 04-0100.

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Respectfully submitted,

  
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